

Penalisasi foreign terrorist fighters (FTF) Indonesia : tinjauan konstruksi hukum atas keterlibatan suku Uighur (WN Tiongkok) dalam kelompok teroris di Indonesia. = Penalization of foreign terrorist fighters (FTF) in Indonesia the legal construction review of uighur tribal involvement Chinese citizens on Indonesian terrorist groups

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Abstrak

Ancaman perkembangan Foreign Terrorist Fighter FTF telah memasuki kawasan Asia Tenggara, khususnya Indonesia. Tesis ini fokus pada fenomena Foreign Terrorist Fighter asal Uighur yang masuk ke wilayah Indonesia dan merencanakan aksi teror. Fokus dari penelitian tesis ini adalah Foreign Terrorist Fighter asal Uighur yang datang ke Indonesia untuk melakukan aksi teror. Undang-Undang Tindak Pidana Terorisme di Indonesia sendiri belum mengatur perihal Foreign Terrorist Fighter sehingga kekosongan ini menjadi celah para Foreign Terrorist Fighter untuk melaksanakan aksi teror di Indonesia. Penelitian ini mencoba menguraikan bagaimana proses konstruksi penghukuman di Indonesia terhadap fenomena Foreign Terrorist Fighter dengan kondisi Undang-Undang yang masih memberikan ruang gerak bebas terhadap Foreign Terrorist Fighter.

Teori utama yang digunakan dalam penelitian ini adalah teori Globalization of Crime untuk menjelaskan dinamika perubahan modus aksi teror sehingga terlahir konsep Foreign Terrorist Fighter dan teori Extended Territory untuk menjelaskan proses pelaku aksi teror dalam menjalankan praktik perluasan wilayah. Hasil penelitian ini menunjukkan bahwa kedua Foreign Terrorist Fighter Uighur yang berhasil masuk ke Indonesia mengalami penalisasi yang berbeda. Satu tersangka di deportasi ke Cina dan satu tersangka lain menjalani penghukuman di Indonesia. Menimbang perbuatan dan faktor pelaku melakukan aksi teror, putusan yang diberikan merupakan hasil dari pertimbangan asas utilitarian dalam penghukuman.

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The threat of Foreign Terrorist Fighter FTF development has entered the Southeast Asia region especially Indonesia. The development of Foreign Terrorist Fighter movement are motivated by globalization of crime that makes the practice of terror has not made regional boundaries as an obstacle. This thesis focuses on the phenomenon of Foreign Terrorist Fighter from Uyghur who entered into Indonesian territory and planned for terror acts. The Uyghur are based in Xinjiang, China and their religious majority are Moslem. Uyghur is one of three main Chinese tribes that subjected to persecution by the local government. This government action generate Uyghur expression of complaints against policy and violence has become a container of Uyghur protest expression against the Chinese government.

The main theory in this research used Globalization of Crime theory to explain the dynamics of change in the mode of action of terror and create Foreign Terrorist Fighter concept, and Extended Territory theory to explain the process of terroris factors in carrying out the practice of regional expansion.

The results of this study shows that two Foreign Terrorist Fighter Uighur who successfully entered into Indonesia experienced a different penalization. One suspect was deported to China and one other suspect was sentenced in Indonesia. Considering the actions and factors of the perpetrators acts of terror, the verdict based on utilitarian principle in punishment.